

# Planning Proposal

## Miscellaneous Amendments to Mosman Local Environmental Plan 2012



**April 2021**

**– with revisions October 2021**

### **Note re amendments made in accordance with Gateway Determination**

On 14 September 2021 the NSW Department of Planning, Industry and Environment issued Gateway approval under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) for this Planning Proposal (Department Ref: PP-2021-3823) to proceed subject to conditions, including the following:

*Prior to community consultation, the planning proposal is to be updated to:*

- *Provide a more thorough assessment against the objectives contained within the Greater Sydney Region Plan*
- *Update Part 3 Section B (6) 9.1 Ministerial Directions of the planning report to remove revoked Direction 7.1 Implementation of a Plan for Growing Sydney*
- *Update the assessment against Ministerial Section 9.1 Direction 2.6 Remediation of Contaminated Land relating to a change in zoning for land at the rear of 37-45 Mandolong Road from SP2 Infrastructure to R2 Low Density Residential to note that a preliminary site investigation has not been completed and is not required, given the site does not have a history of any uses referred to in Table 1 of the Contaminated Land Planning Guidelines being carried out.*
- *Apply an E4 Environmental Living zone instead of an R2 Low Density Residential zone to the rear of 37-45 Mandolong Road, Lots 1 and 3-5 DP 1138034, and Lot 1 DP 117108, making necessary amendments to the planning proposal and the draft mapping*

The planning proposal has been amended accordingly.

## Contents

1.0 Introduction .....	4
2.0 Background .....	4
3.0 The Planning Proposal.....	6
Part 1 – Objectives or Intended Outcomes .....	7
Part 2 – Explanation of Provisions .....	8
Part 3 – Justification.....	27
Part 4 – Mapping.....	35
Part 5 – Community Consultation .....	36
Part 6 – Project Timeline.....	37
Appendix A – State Environmental Planning Policies.....	38
Appendix B – Ministerial Directions .....	39
Appendix C – Maps.....	40

## 1.0 Introduction

This planning proposal has been prepared to make a number of miscellaneous amendments to Mosman Local Environmental Plan 2012 (MLEP 2012) in response to sections 3.8(3) and 3.21 of the *Environmental Planning and Assessment Act 1979* (the Act).

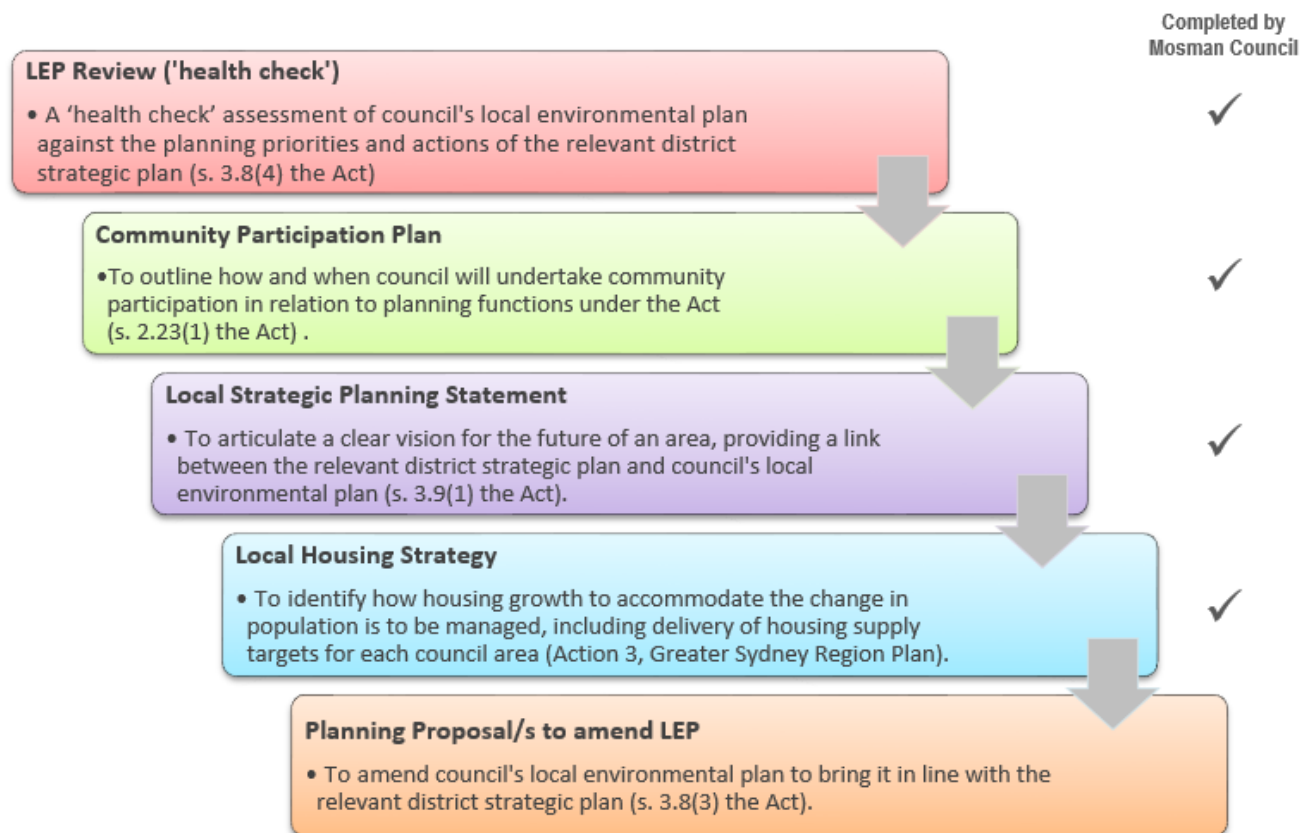
The amendments are consistent with Council's strategic planning direction outlined in the Mosman Local Strategic Planning Statement, endorsed by Council in November 2019 and by the Greater Sydney Commission in March 2020.

The amendments relate to the objectives of Zone B1 Neighbourhood Centre and Zone B2 Local Centres, local provisions for wall height and earthworks, an exempt development provision for Taronga Zoo, and map amendments to correct anomalies identified on various land.

## 2.0 Background

### Section 3.8(3)

In March 2018, the NSW Government introduced a raft of amendments to the Act including the requirement for councils to undertake strategic planning work to ensure consistency in local planning with the Greater Sydney Region Plan and relevant district strategic plan. This work is outlined below.



Over the past three years, Council has undertaken significant strategic planning work to ensure consistency in local planning for Mosman with the Greater Sydney Region Plan and North District Plan, including the preparation of an LEP Review Report, Local Strategic Planning Statement, Community Participation Plan

and Local Housing Strategy. Work has now commenced on the final stage – the preparation of a series of planning proposals to amend MLEP 2012.

Section 3.8(3) of the Act provides that –

As soon as practicable after a district strategic plan is made, the council for each local government area in the district to which the plan applies must review the local environmental plans for the area and prepare such planning proposals under section 3.33 as are necessary to give effect to the district strategic plan.

In October 2018 Council prepared an LEP Review Report (or ‘health check’ assessment) of MLEP 2012 against the North District Plan’s planning priorities and actions. This report, endorsed by the Greater Sydney Commission in December 2018, found that generally MLEP 2012 is closely aligned to the North District Plan, although a number of potential amendments that could be made to the LEP were identified. These have been included as actions in the Mosman Local Strategic Planning Statement (MLSPS) as most require further strategic planning research work.

Council is undertaking a staged approach to meeting obligations under section 3.8(3) of the Act. This is reasonable and consistent with the approach being taken by many other councils. This staged approach will consist of a series of planning proposals prepared over the next 5-10 years to amend MLEP 2012 in response to actions identified in the MLSPS, as further research, consultant studies and collaboration with State agencies and others is undertaken, subject to budget allocation and resourcing.

In 2020, Council commenced work on the preparation of a series of planning proposals to bring MLEP 2012 in line with the North District Plan consistent with actions of the MLSPS and in accordance with section 3.8(3) of the Act. The first planning proposal was endorsed by Council on 1 December 2020 (Report EP/52 Scenic Protection Area – Planning Proposal) and awaits Gateway Determination with the NSW Department of Planning, Industry and Environment (DPIE). This planning proposal for miscellaneous amendments to MLEP 2012 is the second in the series.

#### Section 3.21

The Act includes an additional requirement for LEP review. Section 3.21 provides that –

- (1) The Planning Secretary shall keep State environmental planning policies and councils shall keep their local environmental plans and development control plans under regular and periodic review for the purpose of ensuring that the objects of this Act are, having regard to such changing circumstances as may be relevant, achieved to the maximum extent possible.
- (2) Every 5 years following such a review, the Planning Secretary is to determine whether relevant State environmental planning policies should be updated and a council is to determine whether relevant local environmental plans should be updated.

Council regularly reviews MLEP 2012 to ensure that it remains transparent and contemporary. Since its commencement on 1 February 2012, the LEP has been subject to 42 amendments, of which 10 were Council-initiated and 32 the result of changes in State legislation.

More recently, the LEP has been reviewed as part of strategic planning work undertaken over the past three years. Council planning staff maintain a register of map anomalies, issues with respect to operation of the LEP and submissions received that warrant amendment for particular land. It is timely to incorporate these amendments as part of this planning proposal.

Discussions with the NSW DPIE have indicated that, once the proposed changes are finalised, the date of the LEP will also be amended, for example, to Mosman LEP 2022.

## 3.0 The Planning Proposal

This planning proposal has been prepared in accordance with section 3.33 of the Act, which provides the following:

### **3.33 Planning proposal authority to prepare explanation of and justification for proposed instrument—the planning proposal**

- (1) Before an environmental planning instrument is made under this Division, the planning proposal authority is required to prepare a document that explains the intended effect of the proposed instrument and sets out the justification for making the proposed instrument (the *planning proposal*).
- (2) The planning proposal is to include the following—
  - (a) a statement of the objectives or intended outcomes of the proposed instrument,
  - (b) an explanation of the provisions that are to be included in the proposed instrument,
  - (c) the justification for those objectives, outcomes and provisions and the process for their implementation (including whether the proposed instrument will give effect to the local strategic planning statement of the council of the area and will comply with relevant directions under section 9.1),
  - (d) if maps are to be adopted by the proposed instrument, such as maps for proposed land use zones; heritage areas; flood prone land—a version of the maps containing sufficient detail to indicate the substantive effect of the proposed instrument,
  - (e) details of the community consultation that is to be undertaken before consideration is given to the making of the proposed instrument.
- (3) The Planning Secretary may issue requirements with respect to the preparation of a planning proposal.

This planning proposal has also been prepared in accordance with the NSW DPIE's documents *A guide to preparing planning proposals*, and *A guide to preparing local environmental plans*, both December 2018.

## Part 1 – Objectives or Intended Outcomes

The purpose of this planning proposal is to amend and update the MLEP 2012 in response to certain actions of the MLSPS, and to address minor matters and anomalies identified, to meet Council's obligations under sections 3.8(3) and 3.21 of the Act.

The proposed changes include:

1. Amend Zone B1 and B2 local objectives to reference the importance of traditional shop-front proportions, local character and village atmosphere;
2. Insert wall height objectives for clause 4.3A and define mansard roof;
3. Insert a standard earthworks local provision in part 6;
4. Amend schedule 2 to increase the capital investment value for exempt development at Taronga Zoo from \$1m to \$1.5m; and
5. Amend maps to correct anomalies on various land in respect of land zoning, floor space ratio, building height and/or lot size.

## Part 2 – Explanation of Provisions

### Item 1: Amend Zone B1 and B2 local objectives to reference the importance of traditional shop-front proportions, local character and village atmosphere

Mosman Junction is a traditional high street shopping centre on Military Road with a consistent and well-defined streetscape character comprising Federation and Inter-War traditional terrace shopfronts. The historic significance of the centre is recognised with its listing as the Military Road Heritage Conservation Area in MLEP 2012. The centre is zoned B2 Local Centre under MLEP 2012.

Mosman's neighbourhood centres in Spofforth Street, Avenue Road and The Esplanade in Balmoral, are attractive and well-functioning small centres containing a cluster of shops that serve the local area. The centres are generally comprised of traditional retail terraces from the Edwardian Era, Federation and Inter-War periods, and include various heritage listed buildings. These centres are zoned B1 Neighbourhood Centre under MLEP 2012.

Retail planning in neighbourhood and local centres was the subject of reports to Council on 2 July 2019 (EP/28) and 3 March 2020 (EP/8), and a Councillor Workshop on 2 February 2020, where it was noted that to strengthen the small-scale nature of neighbourhood centres and the local character and village atmosphere in Mosman Junction, amendments to the B1 and B2 zone objectives in MLEP 2012 should be made. The proposed changes to MLEP 2012 are outlined below (in red and underlined).

#### Zone B1 Neighbourhood Centre

##### 1 Objectives of zone

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood. (M)
- To maintain active uses at street level which reflect the traditional shop front proportions, with a predominance of retail use.
- To minimise the effect of business uses on the amenity of adjacent residential areas having regard to building design, operation and activities, traffic generation and the car parking capacity of local roads.
- To encourage residential development as part of the mixed use of sites.

#### Zone B2 Local Centre

##### 1 Objectives of zone

- To provide a range of retail, business, entertainment and community uses that serve the needs of people who live in, work in and visit the local area. (M)
- To encourage employment opportunities in accessible locations. (M)
- To maximise public transport patronage and encourage walking and cycling. (M)
- To enhance the viability, vitality and amenity of the local centres, while protecting and enhancing the village atmosphere of Mosman Junction.
- To maintain active uses at street level with a predominance of retail use.
- To allow the amalgamation and redevelopment of land in Spit Junction.
- To encourage residential development as part of the mixed use of sites.
- To maintain the local character of Mosman Junction by limiting the bulk and scale of development, and ensuring that development reflects the traditional shop front proportions at street level.



The objectives shown above that are proposed to be amended are local objectives and can be amended by Council through the planning proposal process. Objectives that are mandated by Standard Instrument and cannot be amended by Council are indicated with “(M)”.

The MLEP 2012 was drafted within the context of understanding the character of existing centres. The location and size of centres are historically based, with most having a traditional aesthetic which contributes to the village atmosphere. With the passage of time, these small-scale centres are often burdened with traffic and congestion which compromise their functions and amenity.

Mosman Junction and the neighbourhood centres of Spofforth Street, Avenue Road and Balmoral have building height and floor space ratio controls within MLEP 2012 that are aimed at maintaining the traditional streetscape. The Mosman Business Centres Development Control Plan (MBCDCP) provides more detailed controls that are centre-based and tailored to the particular character of the place such as traditional shopfront terraces, small scale buildings (i.e. 2 storeys), continuity of retail uses at street level, scale and rhythm of development, pedestrian accessibility and vehicular access.

Additionally, for Mosman Junction, planning controls within the MBCDCP seek to maintain the heritage streetscape. The following is an extract of the Statement of heritage significance for the Military Road Heritage Conservation Area, included within the MBCDCP:

*In aesthetic terms, the commercial and retail area of Military Road is a marvellous microcosm of the range of architecture to be found in Mosman, distinctively combining retail and residential uses in a unified, lively and diverse linear and curvilinear streetscape. Its scale is pleasantly moderate and the variety of forms, materials, textures and colours is full of interest. The successful integration of some facades of later and very recent vintage, indicates that good design is an ageless quality. The ‘village’ atmosphere prevails despite some unhappy incursions. Several impressive buildings elevate the generally good aesthetic quality of the Conservation Area to a high level of value.*

The combination of these controls has resulted in infill development and alterations and additions that are generally of high quality design that complement the existing streetscape and functions of the centres. The proposed changes to MLEP 2012 outlined above are consistent with objectives and planning controls for the MBCDCP.

*Note:* The NSW DPIE is currently undertaking a review of employment zones throughout NSW. The introduction of new business zones to replace existing business zones is under consideration. This would affect Zones B1 Neighbourhood Centre and B2 Local Centre in MLEP 2012. The proposed changes outlined in this planning proposal have been discussed with the NSW DPIE, and the advice given is that Council should proceed with the planning proposal as outlined and that any changes to business zones that arise from the Government’s employment zones reforms will be discussed with Council once these are finalised.



Mosman Junction local centre, corner Military and Avenue Roads



Avenue Road neighbourhood centre



Spofforth Street neighbourhood centre





## Item 2: Insert wall height objectives for clause 4.3A and define mansard roof

It is proposed to include a new subclause (1A) in clause 4.3A containing objectives for wall height. These are based on the current objectives for building height in clause 4.3 and reflect important character elements of the Mosman Residential Development Control Plan 2012 of view sharing and two-storey building character.

It is also proposed to include new subclause (4A) in clause 4.3A to clarify when a mansard roof is included in the wall height calculation. A mansard roof is a type of roof having two slopes on every side, with the lower slope being considerably steeper than the upper. An illustration is provided on the following page. A definition of 'mansard roof' is also proposed for inclusion in clause 4.3A.

The proposed changes, shown in red and underlined below, will strengthen development assessment and provide transparency.

### 4.3A Height of buildings (additional provisions)

- (1) This clause applies to all land in a residential zone to which a maximum building height of 8.5 metres applies as shown on the [Height of Buildings Map](#).

(1A) The objectives of this clause are as follows—

- (a) To share public and private views, and
  - (b) To minimise the adverse effects of bulk and scale of buildings, and
  - (c) To limit wall height to encourage two storey buildings consistent with the desired future character of the area.
- (2) The consent authority may refuse development consent for the erection of a building on land to which this clause applies if the building has more than two storeys above ground level (existing).
- (3) However, the consent authority may grant development consent for an additional storey in the foundation space of an existing building on land to which this clause applies if the consent authority is satisfied that the building height and bulk is of an appropriate form and scale.
- (4) A building on land to which this clause applies must not have a wall height, at any point of the building (other than at a chimney, gable end or dormer window), that exceeds 7.2 metres.

(4A) For the purpose of measuring wall height associated with a mansard roof, the roof volume is considered to be enclosed by walls if the enclosing roof has a pitch exceeding 45 degrees. In this instance, the wall height is to be measured at a height of 1.8m above the finished floor level within the mansard roof space.

- (5) In this clause—

**dormer window** means a window in the roof plane that measures no more than 25% of the width of the roof in that plane.

***mansard roof*** means a type of roof having two slopes on every side, with the lower slope being considerably steeper than the upper.

***wall height*** means the vertical distance between the ground level (existing) and the underside of the eaves at the wall line, parapet or flat roof, whichever is the highest.

Currently, clause 4.3A applies a maximum 7.2 metre wall height development standard to most residential zoned land in Mosman, however there are no objectives included in the clause. When the wall height control was included in MLEP 2012 in 2014 it was intended that it would be part of clause 4.3 for building height and rely on the objectives of that clause. However this did not occur and instead a new clause (4.3A) was created, and as a consequence, the objectives of clause 4.3 cannot be relied upon in development assessment.

This poses difficulty in development assessment when an applicant seeks to vary the standard under clause 4.6 'Exceptions to development standards' of MLEP 2012, because the consent authority must be satisfied that the proposed development is "*consistent with the objectives of the particular standard*" prior to granting development consent. (4.6(4)(a)(ii)). The following is an extract from clause 4.6(4) of MLEP 2012:

- (4) Development consent must not be granted for development that contravenes a development standard unless—
  - (a) the consent authority is satisfied that—
    - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
    - (ii) the proposed development will be in the public interest **because it is consistent with the objectives of the particular standard** and the objectives for development within the zone in which the development is proposed to be carried out, and

A mansard roof is a type of roof having two slopes on every side, with the lower slope being considerably steeper than the upper, as shown in the illustration below. Mansard roofs provide for more usable attic or habitable space, but add bulk to the built form. The proposed new subclause (4A) is included to clarify when a mansard roof is included in the wall height calculation. The measurement of wall height at 1.8 metres is consistent with the NSW DPIE's Apartment Design Guide for ceiling height in attic spaces.

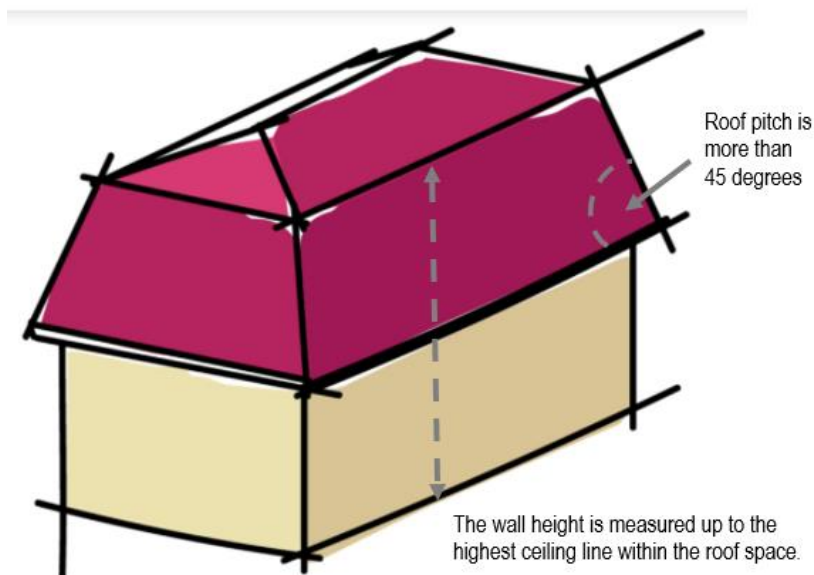


Image source: architecturelab.net, with text added.

### Item 3: Insert standard earthworks local provision in part 6

Excavation commonly occurs as part of construction and development in Mosman, and in some instances this may be substantial given the topography and scale of development. It is proposed to include a new clause for earthworks in part 6 to require the consideration of the impact of excavation so as to mitigate any adverse impacts relating to soil erosion, sedimentation, the natural features of the land, trees and vegetation, impacts on adjoining properties and the like. The clause would apply to all development that is the subject of a development application.

There is currently no earthworks clause included in MLEP 2012. An earthworks clause was included in the former MLEP 1998, however this was unable to be carried across into the new comprehensive LEP for Mosman when it was being drafted in 2010-11 as per NSW DPIE guidance at that time. The NSW DPIE has since released a draft model local provision for earthworks.

The proposed clause (outlined in red and underlined below) is based on the NSW draft model local provision included in many council LEPs including in North Sydney, Willoughby and Woollahra. The clause will complement existing objectives and planning controls in Mosman's development control plans relating to excavation and site management.

#### **6.7 Earthworks**

- (1) The objective of this clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes, neighbouring uses, cultural or heritage items or features of the surrounding land.
- (2) Development consent is required for earthworks unless—
  - (a) the earthworks are exempt development under this Plan or another applicable environmental planning instrument, or
  - (b) the earthworks are ancillary to other development for which development consent has been given.
- (3) Before granting development consent for earthworks, the consent authority must consider the following matters—
  - (a) the likely disruption of, or any detrimental effect on, drainage patterns and soil stability, natural features of and any trees and vegetation on, the site and adjoining lands, and in the locality,
  - (b) the effect of the proposed development on the likely future use or redevelopment of the land,
  - (c) the quality of the fill or the soil to be excavated, or both,
  - (d) the effect of the proposed development on the existing and likely amenity of adjoining properties,
  - (e) the source of any fill material and the destination of any excavated material,
  - (f) the likelihood of disturbing relics,
  - (g) the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area,
  - (h) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

**Note.** The National Parks and Wildlife Act 1974, particularly section 86, deals with harming Aboriginal objects.

#### **Item 4: Amend schedule 2 to increase the capital investment value for exempt development at Taronga Zoo from \$1m to \$1.5m**

Schedule 2 contains a list of certain types of development that may be undertaken at Taronga Zoo as exempt development, that is, without the need for a development application. This includes development having a capital investment value (CIV) of less than \$1 million for purposes such as works to buildings and animal facilities, temporary structures, environmental protection works, landscaping works and the erection of signage. It does not include works to a heritage item.

Taronga Conservation Society Australia made a submission to Council during public exhibition of the MLSPS in 2019 seeking an increase in the CIV to \$2 million on the basis of escalation in construction costs, and the specialist nature of activities carried out and animal structures.

The intent of schedule 2 is to identify minor works of ‘minimal environmental impact’ for which exempt development can occur. The clause for Taronga Zoo was included in MLEP 2012 on 14 June 2013 with a CIV of \$1 million. It is reasonable that the CIV is increased given inflation and the rising costs of construction works, however it is proposed that it be amended to \$1.5 million consistent with the intent of the schedule.

It is proposed to amend schedule 2 as shown in red and underlined below.

##### **Taronga Zoo works**

- (1) Development for one or more of the following, having a capital investment value (within the meaning of the *Environmental Planning and Assessment Regulation 2000*) of less than ~~\$1,000,000~~ \$1,500,000—
  - (a) the demolition or erection of, or alteration or addition to, structures used for the exhibition, conservation and care of animals,
  - (b) the erection of temporary structures,
  - (c) environmental protection works,
  - (d) the maintenance of existing buildings and structures, including minor internal building alterations,
  - (e) landscaping works, including fencing, retaining walls, paths, picnic facilities and the like,
  - (f) the erection of signage.
- (2) Must be on the land known as “Taronga Zoological Gardens”, bounded by Bradleys Head and Athol Wharf Roads and Sydney Harbour, being Lot 22, DP 843294.
- (3) Must not have a significant adverse impact on the heritage significance of the site.
- (4) Must not have a significant adverse impact on the amenity of the surrounding area or nearby properties.
- (5) Must not be carried out on or in a heritage item.
- (6) Must be carried out in accordance with the conservation policy outlined in the *Taronga Zoo Conservation Strategy*, published in July 2002 and kept at the office of the Council.

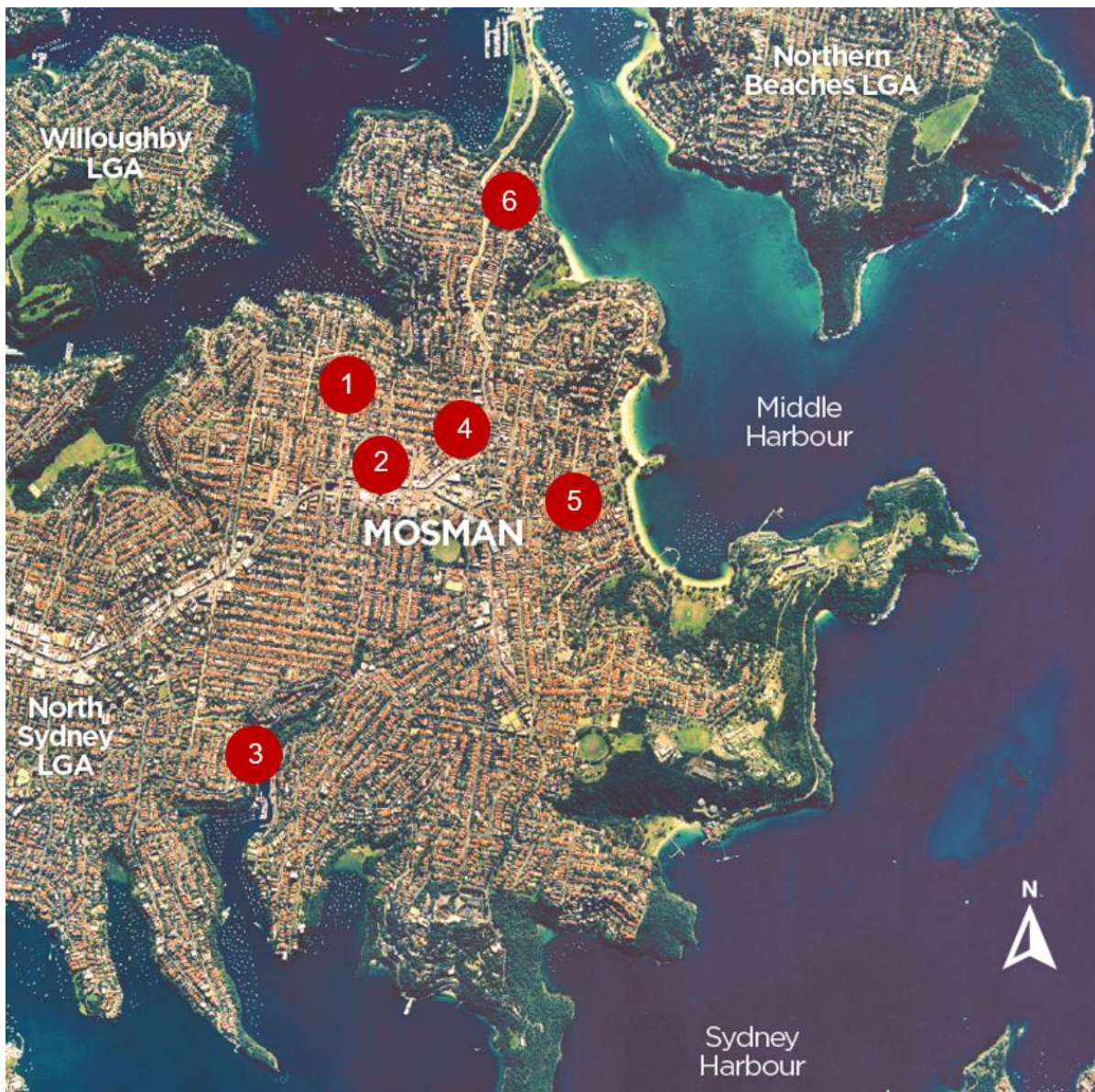


**Item 5: Amend maps to correct anomalies on various land in respect of land zoning, floor space ratio, building height and/or lot size**

The affected land is –

- (1) 133 Awaba Street, Lot 100 DP 1256368;
- (2) Cowles Road, Lot 1 DP 388205 (adjacent to no. 89B Cowles Road);
- (3) Harnett Avenue (south of Crown Road);
- (4) Hordern Lane (adjacent to 80-86 Spit Road);
- (5) Rear of 37-45 Mandolong Road, Lots 1 and 3-5 DP 1138034, and Lot 1 DP 117108;
- (6) Upper Spit Road, Lot 1 DP 831055 (Sydney Water asset).

This land is indicated on the map below, and discussed on the following pages.





### 133 Awaba Street, Lot 100 DP 1256368

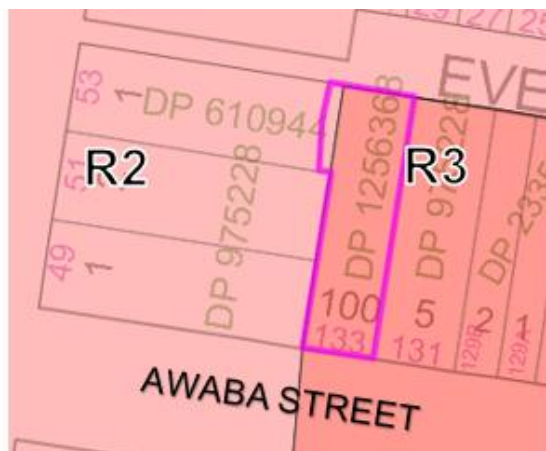
It has become evident with the recent amalgamation of lots at 133 Awaba Street that the property has a split-zoning and mix of development standards that should be corrected. The north-west corner of the lot was formerly part of the adjacent 53 Countess Street, however the land was subdivided along the cliff line between the properties. The split-zoning and mix of development standards has occurred because 133 Awaba Street and 53 Countess Street have differing zones and development standards.

It is proposed to apply Zone R3 Medium Density Residential and consistent development standards for floor space ratio and lot size to the entirety of 133 Awaba Street. This is a minor amendment to correct an anomaly and will not have any significant effect on the property. The proposed changes are shown in red and underlined in the table below.

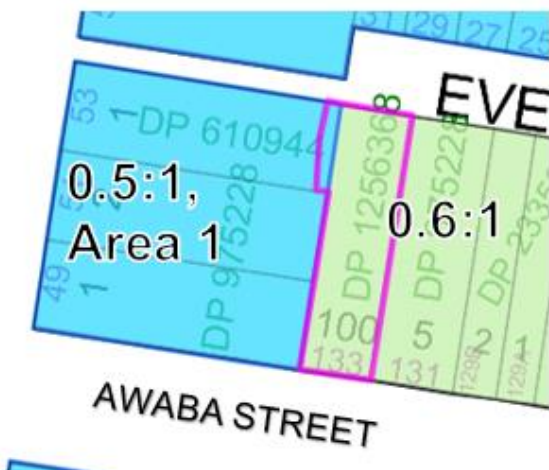
Status	Area of land	Land Zoning Map	Floor Space Ratio Map	Lot Size Map
Current	Majority of Lot	R3 Medium Density Residential	0.6:1	700m <sup>2</sup> , Area 2
	NW corner of Lot	R2 Low Density Residential	0.5:1, Area 1	700m <sup>2</sup>
<u>Proposed</u>	<u>Entirety of Lot</u>	<u>R3 Medium Density Residential</u>	<u>0.6:1</u>	<u>700 m<sup>2</sup>, Area 2</u>



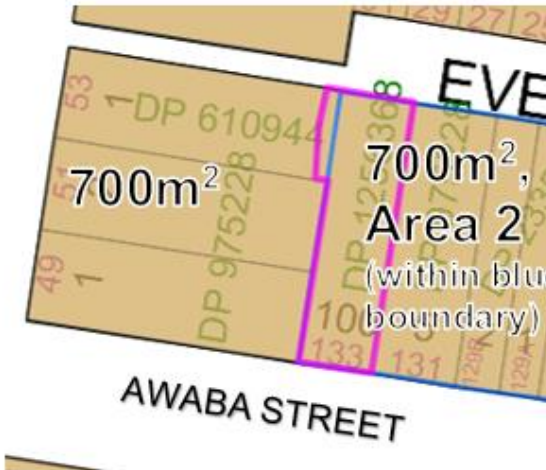
Aerial Map



Current Zoning Map



Current Floor Space Ratio Map



Current Lot Size Map

### **Cowles Road, Lot 1 DP 388205 (adjacent to no. 89B Cowles Road)**

It is proposed to rezone Lot 1 DP 388205 to B6 Enterprise Corridor, consistent with the zone of adjacent land at no. 89B Cowles Road. The development standards for floor space ratio, height of buildings and lot size will also be amended to be consistent with that for a B6 zone.

The land is a narrow vacant lot, around 2.6 metres at its widest point and 50.6 square metres in area, located between 89A and 89B Cowles Road. The land has been purchased by the owners of 89B Cowles Road, a heritage item ('the Whitehouse') recently redeveloped for a hotel (DA 8.2017.135.1) The zoning change will enable the land to be used as curtilage to the hotel. The proposed changes are shown in red and underlined in the table below.

Status	Land Zoning Map	Floor Space Ratio Map	Height of Buildings Map	Lot Size Map
Current	R3 Medium Density Residential	1:1	11m	700m <sup>2</sup> ; Area 2
<u>Proposed</u>	<u>B6 Enterprise Corridor</u>	<u>2.5:1, Area 2</u>	<u>15m</u>	<u>none</u>

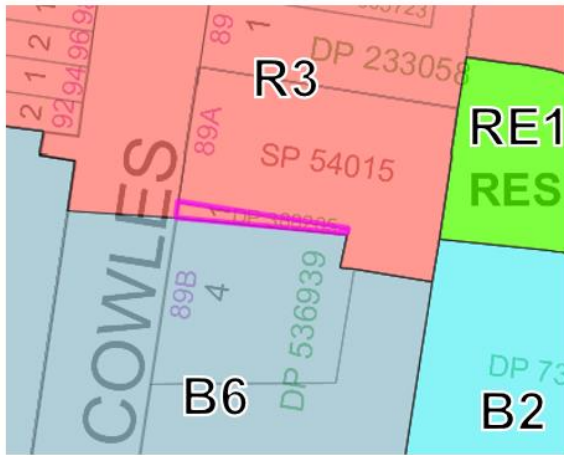
*Note:* The NSW DPIE is currently undertaking a review of employment zones throughout NSW. The introduction of new business zones to replace existing business zones is under consideration. This would affect Zone B6 Enterprise Corridor in MLEP 2012. The proposed changes outlined in this planning proposal have been discussed with the NSW DPIE, and the advice given is that Council should proceed with the planning proposal as outlined and that any changes to business zones that arise from the Government's employment zones reforms will be discussed with Council once these are finalised.



Aerial Image



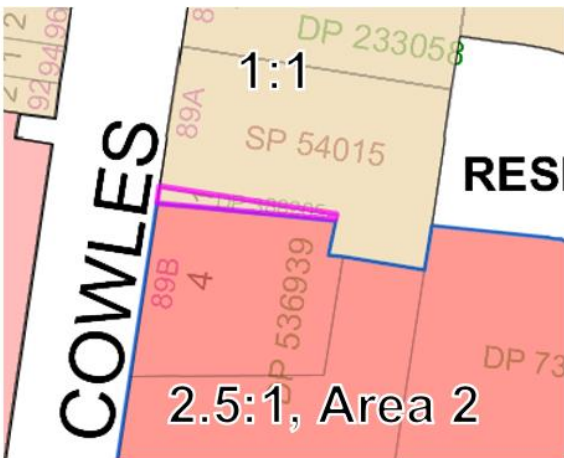
Google Street View



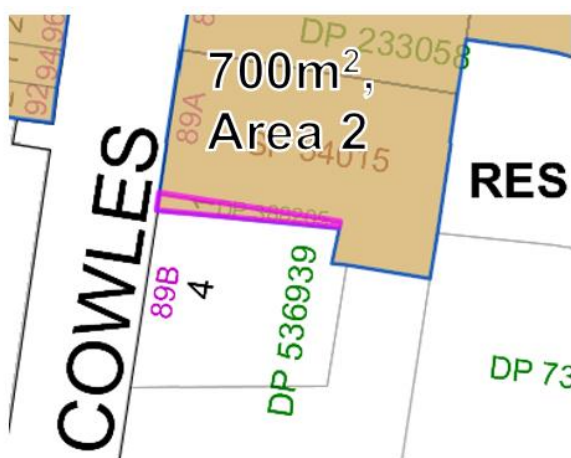
Current Zoning Map



Current Height of Buildings Map



Current Floor Space Ratio Map



Current Lot Size Map



### **Harnett Avenue (south of Crown Road)**

It is proposed to rezone a portion of Harnett Avenue (south of Crown Road) to RE1 Public Recreation. The land is within the study area for the Reid-Harnett Parks Plan of Management, currently being drafted. The zoning change is consistent with the zone applied to other land within this area including Centenary Drive and Crown Road.

The zoning change will not alter the use or function of the land as a public road providing access to Reid Park and privately-owned residential land located at the northern end of Harnett Avenue. The zoning of roads in Mosman is consistent with NSW DPIE Guidelines. The proposed changes are shown in red and underlined in the table below.

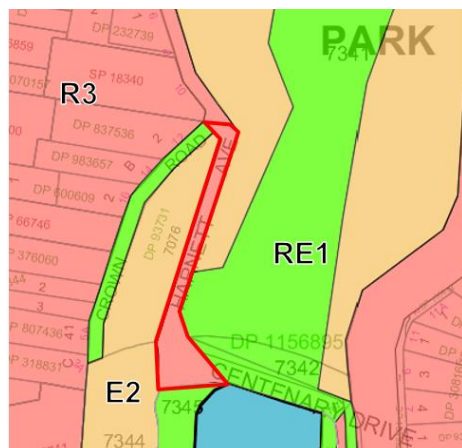
Status	Land Zoning Map
Current	R3 Medium Density Residential
<u>Proposed</u>	<u>RE1 Public Recreation</u>



*Left:*  
Plan of Management  
Area – Reid and  
Harnett Parks

*Bottom left:* Current  
Land Zoning Map

*Bottom right:* Google  
Street View of Harnett  
Avenue



### **Hordern Lane (adjacent to 80-86 Spit Road)**

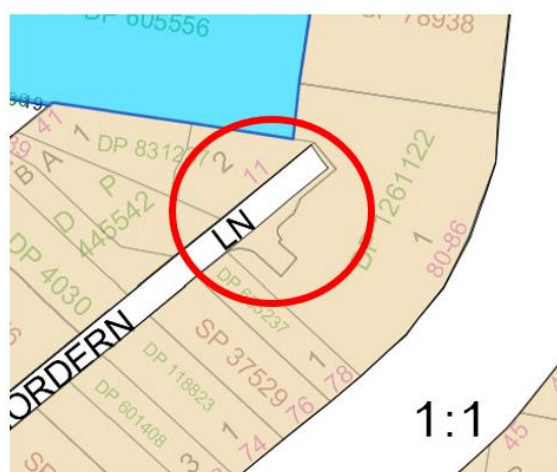
It is proposed to remove the development standards for floor space ratio, height of buildings and lot size that apply to a portion of Hordern Lane. This land was dedicated to Council as part of the recent redevelopment of 80-86 Spit Road (DA 8.2018.100.1 determined 21 August 2019). The plan of subdivision was registered in October 2020. This mapping change is consistent with the NSW DPIE guidelines which do not apply development standards to public roads.

No change to the zone of the dedicated portion of land is required. Roads and laneways are zoned the same zone as adjacent land under MLEP 2012, consistent with NSW DPIE guidelines. Hordern Lane and surrounds are zoned R3 and this is to remain. The proposed changes are shown in red and underlined in the table below.

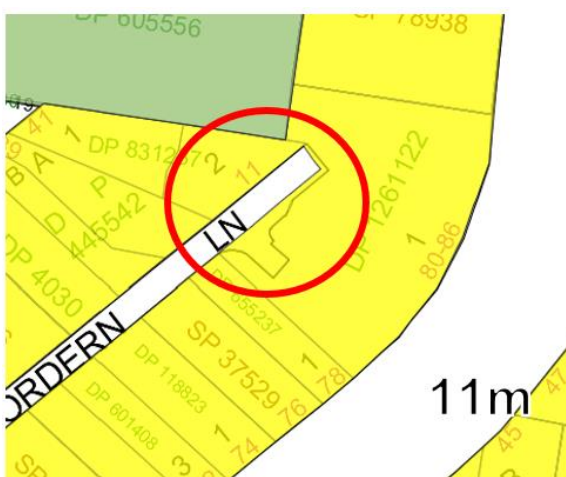
Status	Floor Space Ratio Map	Height of Buildings Map	Lot Size Map
Current	1:1	11m	700m <sup>2</sup> ; Area 2
<u>Proposed</u>	<u>none</u>	<u>none</u>	<u>none</u>



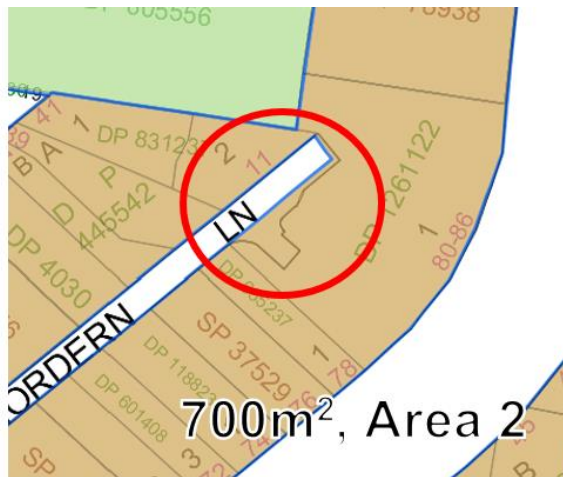
Aerial Image



Current Floor Space Ratio Map



Current Height of Buildings Map



Current Lot Size Map



### **Rear of 37-45 Mandolong Road, Lots 1 and 3-5 DP 1138034, and Lot 1 DP 117108**

Land at the rear of 37-45 Mandolong Road was formerly owned by Queenwood School for Girls and utilised for access to the school site during construction works over a decade ago. In late 2010, the title of the land was transferred to the landowners of the adjacent residential properties. Whilst the land is used as an extension of these residential properties, its zoning remains that of a school use.

It is proposed to rezone the land to the same zone as surrounding residential land and apply development standards for floor space ratio, height and lot size consistent with this zoning.

Currently, the zone of surrounding residential land is R2 Low Density Residential, however Council is proposing to rezone large areas of foreshore land (including land in Mandolong Road) to E4 Environmental Living under a separate Planning Proposal (PP-2021-3682). That Planning Proposal is on public exhibition from 30 September to 10 November 2021 (for details go to [www.yourvoicemosman.com.au/scenic-protection-area-planning-proposal](http://www.yourvoicemosman.com.au/scenic-protection-area-planning-proposal)). In early 2022 it will be reported to Council for decision to be made whether to proceed with the rezoning to E4.

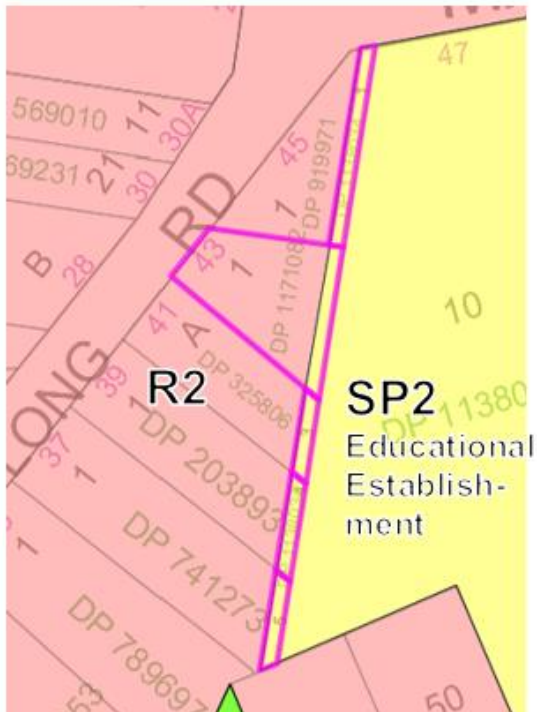
On the assumption that Planning Proposal (PP-2021-3682) would proceed, the NSW Department of Planning, Industry and Environment has instructed Council that land at the rear of 37-45 Mandolong Road is to be rezoned from Zone SP2 Infrastructure–Educational Establishment to Zone E4 Environmental Living. If that Planning Proposal does not proceed, the land would be rezoned to Zone R2 Low Density Residential.

For either the E4 or R2 zone, the development standards for floor space ratio, height of buildings and lot size would remain the same.

The proposed changes are shown in red and underlined in the table below.

Status	Land affected	Land Zoning Map	Floor Space Ratio Map	Height of Buildings Map	Lot Size Map
Current	37 Mandolong Road (Lot 5 DP 1138034)	SP2 Infrastructure – Educational Establishment	None	None	None
	39 Mandolong Road (Lot 4 DP 1138034)	SP2 Infrastructure – Educational Establishment	None	None	None
	41 Mandolong Road (Lot 3 DP 1138034)	SP2 Infrastructure – Educational Establishment	None	None	None
	43 Mandolong Road (Lot 1 DP 117108) *	SP2 Infrastructure – Educational Establishment + R2 Low Density Residential	0.5:1, Area 1 for part only	8.5m for part only	700m <sup>2</sup> for part only
	45 Mandolong Road (Lot 1 DP 1138034)	SP2 Infrastructure – Educational Establishment	None	None	None
<u>Proposed</u>	<u>All above land</u>	<u>E4 Environmental Living</u>	<u>0.5:1, Area 1</u>	<u>8.5m</u>	<u>700m<sup>2</sup></u>

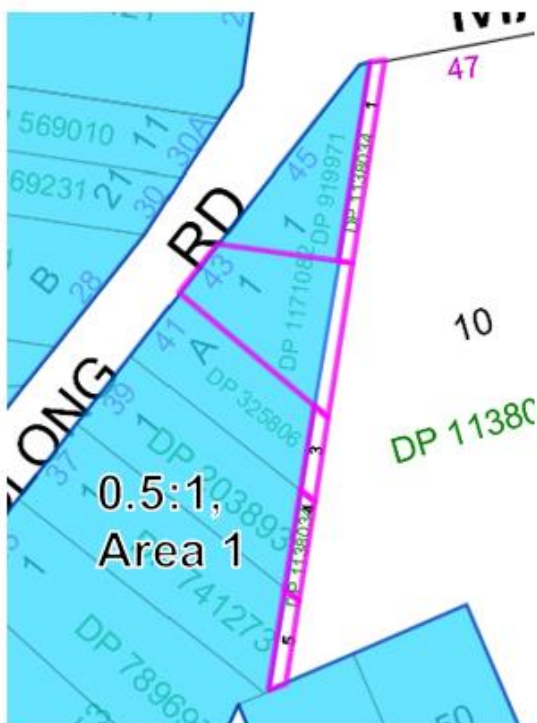
\*Lot 1 DP 1171082 (43 Mandolong Road) is an amalgamated lot and as such has a split zoning of SP2 and R2, and split development standards. The proposed zoning change will remove this split zoning and apply the predominant zoning and development standards to the site.



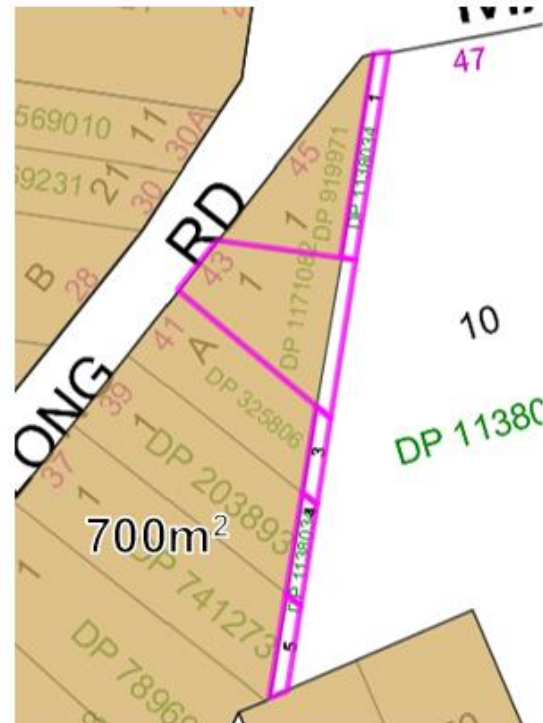
Current Zoning Map



Current Height of Buildings Map



Current Floor Space Ratio Map



Current Lot Size Map



Current Aerial Map



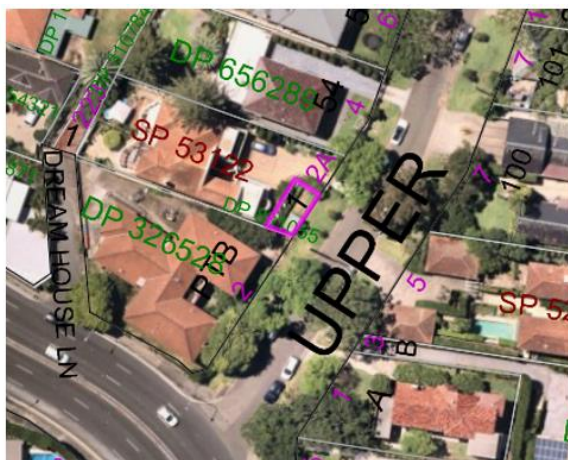
### **Sydney Water Asset, Upper Spit Road, Lot 1 DP 831055**

It is proposed to rezone a Sydney Water asset in Upper Spit Road to SP2 Infrastructure – Public Utility Undertaking, recognising the use of the land for vital water and sewerage infrastructure for the Northern Beaches Ocean Outfall. The land is located in front of no. 2A Upper Spit Road. It is occupied by a manhole shaft.

This change is consistent with the zoning of other Sydney Water assets in Mosman. The Sydney Water Corporation made a submission to Council during public exhibition of the MLSPS in 2019 seeking this zoning change. This change will provide certainty for the community regarding the current and future use of the land for vital water and sewerage infrastructure.

As part of this change, the development standards for floor space ratio, height of buildings and lot size that currently apply to this lot will be removed. This is consistent with standard mapping practice under MLEP 2012, and for many NSW council LEPs, where development standards are not applied to SP2 Infrastructure zoned land. The proposed changes are shown in red and underlined in the table below.

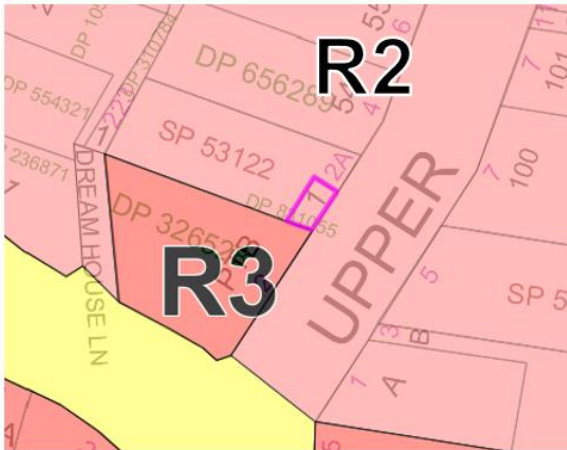
Status	Land Zoning Map	Floor Space Ratio Map	Height of Buildings Map	Lot Size Map
Current	R2 Low Density Residential	0.5:1, Area 1	8.5m	700m <sup>2</sup>
<u>Proposed</u>	<u>SP2 Infrastructure – Public Utility Undertaking</u>	<u>none</u>	<u>none</u>	<u>none</u>



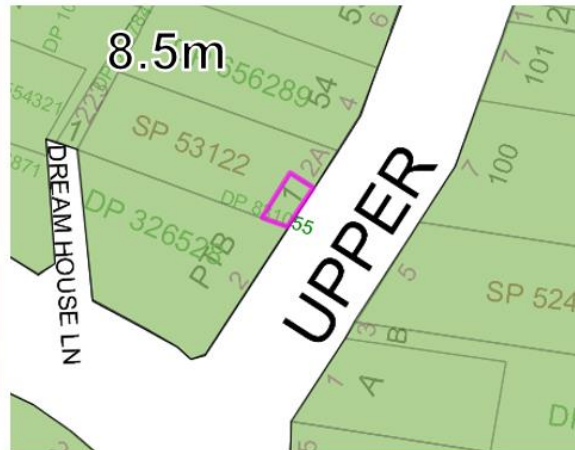
Aerial Image



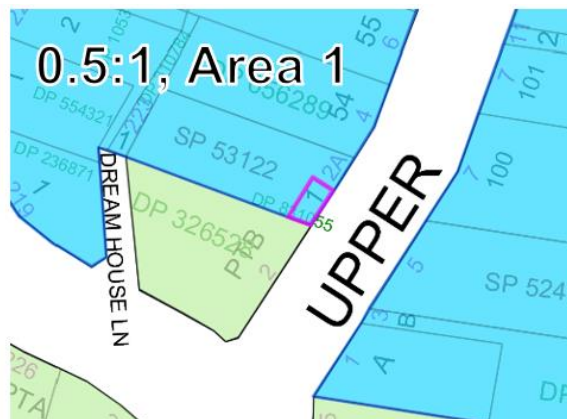
Google Street View



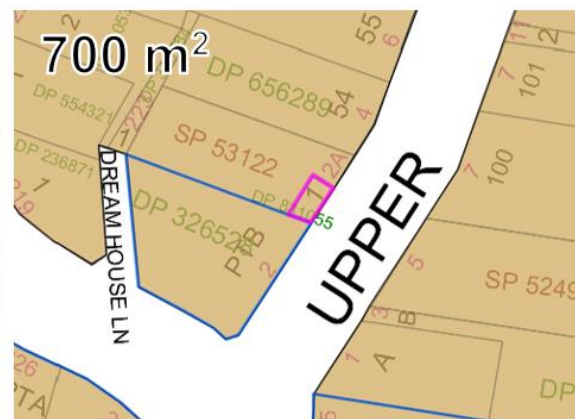
Current Land Zoning Map



Current Height of Buildings Map



Current Floor Space Ratio



Current Lot Size Map

## Part 3 – Justification

### Section A – Need for the planning proposal

#### **Q1. Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?**

Yes, the planning proposal is the result of Mosman Local Strategic Planning Statement (MLSPS), endorsed by Council in November 2019 and by the Greater Sydney Commission in March 2020. It proposes to amend MLEP 2012 consistent with the following planning priorities of the MLSPS:

- 6: Ensure that building design and construction is of high quality and maintains resident amenity.
- 7: Enhance local and neighbourhood centres as great, connected places, whilst maintaining the village atmosphere in Mosman Junction and neighbourhood centre.
- 12: Protect, conserve and enhance Mosman's urban tree canopy, landform, waterways and bushland.
- 16: Adapt to and mitigate against the impacts of natural and urban hazards and climate change.

The proposed changes to Zone B1 and B2 objectives directly relate to Planning Priority 7, proposed changes to clause 4.3A relating to wall height will ensure high quality design and construction consistent with Planning Priority 6, and the inclusion of an earthworks local provision is consistent with Planning Priorities 12 and 16. Individual actions within the MLSPS relating to these planning priorities include that planning controls within Mosman's LEP be reviewed and updated as necessary.

This planning proposal also outlines amendments including increasing the capital investment value threshold for exempt development at Taronga Zoo in Schedule 2, and amendment to LEP maps to correct anomalies on various sites. The housekeeping changes are relatively minor in nature, and are not inconsistent with the MLSPS.

#### **Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?**

Yes. The planning proposal is the best means of achieving the objectives or intended outcomes. The mechanism for amending MLEP 2012 is a planning proposal.

### Section B – Relationship to strategic planning framework

#### **Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?**

Yes. The Greater Sydney Region Plan and North District Plan, issued by the Greater Sydney Commission in March 2018, are the applicable regional and district plans applying to Mosman.

The Greater Sydney Region Plan, *A Metropolis of Three Cities*, sets a 40-year vision (to 2056) and establishes a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters. The North District Plan covers Hornsby, Hunter's Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Northern Beaches, Ryde and Willoughby local government areas. It is a 20-year plan to manage growth in the context of economic, social and environmental matters, and is the means to achieve the vision of the Greater Sydney Region Plan at a district level.

### Greater Sydney Region Plan

The planning proposal will give effect to the following directions and related objectives of the Greater Sydney Region Plan:

- Direction: A city supported by infrastructure
- Objective 1: Infrastructure supports the three cities

The Greater Sydney Region Plan (page 35) notes that *“Planning decisions need to support new infrastructure in each city – including cultural, education, health, community and water infrastructure – to fairly balance population growth with infrastructure investment. Decisions are required to equitably enhance local opportunities, inclusion and connection to services. In this way infrastructure provision can move from a focus on network-based services to a place-based service approach.”*

The proposed change to the zoning of the Sydney Water asset in Upper Spit Road is consistent with objective 1 of the Greater Sydney Region Plan. The change in zone to SP2 Infrastructure supports the ongoing use of the land for critical water infrastructure to support existing and future populations.

- Direction: A city for people
- Objective 7: Communities are healthy, resilient and socially connected

The Greater Sydney Region plan (page 55) notes the importance of well-planned neighbourhoods – *“Great places are shaped by healthy and connected communities that share values and trust, and can develop resilience. Street life, meeting and gathering places and emerging sharing and digital networks sustain social networks. Streets allow spontaneous social interaction and community cultural life when they are designed at a human scale for walkability.”*

The proposed change to amend the zone B1 and B2 objectives is consistent with objective 7. The change will reinforce the importance of traditional shop-front proportions, local character and village atmosphere of the Mosman Junction village and neighbourhood centres, maintaining the human scale of these centres and providing walkable places with active street life.

- Direction: Housing the City
- Objective 10: Greater housing supply

The Greater Sydney Region Plan (page 58) notes that *“Providing ongoing housing supply and a range of housing types in the right locations will create more liveable neighbourhoods and support Greater Sydney’s growing population”*. Further, on page 60 it is noted that *“Planning and designing for better places respects and enhances local character.”*

The proposed change to wall height clause 4.3A of MLEP 2012 is consistent with objective 10. The inclusion of objectives for the clause and a definition of mansard roof will provide clarity and certainty for use of the planning control in the design of new dwelling-houses, and alterations and additions to existing dwelling-houses. Wall height is an important component of the Council’s planning controls relating to housing design and local character.

The proposed changes to correct anomalies in land zoning are also consistent with objective 10. The changes will provide certainty to landowners and the community more broadly about the appropriate use of the land relating to housing. More specifically, the zoning and development standard changes at 133 Awaba Street, land adjacent to 89B Cowles Road and to the rear of 37-45 Mandolong Road will permit residential use of the land. The removal of the residential zone and/or development standards in Harnett Avenue, Hordern Lane and Upper Spit Road is of no consequence as this land is used for infrastructure currently (roads or water) and will continue as such.

- Direction: A city of great places
- Objective 12: Great places that bring people together

The Greater Sydney Region Plan (page 73) notes that *“Greater Sydney’s cities, centres and neighbourhoods each have a unique combination of people, potential, history, culture, arts, climate, built form and natural features creating places with distinctive identities and functions. Great places build on these characteristics to create a sense of place that reflects shared community values and culture. Great places focus on the public realm and open spaces that attract residents, workers, visitors, enterprise and investment. They recognise and celebrate the local character of the place and its people, and include the green infrastructure that supports the sustainability of the region and people’s wellbeing.”*

The proposed change to amend the zone B1 and B2 objectives is consistent with objective 12. The change will reinforce the important built form characteristics of Mosman Junction village and neighbourhood centres. These centres are the focus of the surrounding local communities and beyond, and the local character of Mosman Junction village in particular is recognised and celebrated within the community.

- Direction: A city of great places
- Objective 13: Environmental heritage is identified, conserved and enhanced

The Greater Sydney Region Plan (page 77) notes that *“Conserving, interpreting and celebrating Greater Sydney’s heritage values leads to a better understanding of history and respect for the experiences of diverse communities.”* Further that *“Sympathetic built form controls and adaptive reuse of heritage are important ways to manage the conservation of heritage significance. Respectfully combining history and heritage with modern design achieves an urban environment that demonstrates shared values and contributes to a sense of place and identity. This is particularly important for transitional areas and places experiencing significant urban renewal, where it is necessary to take account of the cumulative impacts of development on heritage values.”*

The proposed change to amend the zone B1 and B2 objectives is consistent with objective 13. The historic significance of the Mosman Junction village is recognised through its listing as the Military Road Heritage Conservation Area in MLEP 2012. The centre is a traditional high street shopping centre with a consistent and well-defined streetscape character comprising Federation and Inter-War traditional terrace shopfronts. The changes to the B2 zone objectives will assist in conserving the heritage built form and characteristics of the centre.

- Direction: Jobs and skills for the city
- Objective 18: Harbour CBD is stronger and more competitive

The Greater Sydney Region Plan (page 100) notes that *“Greater Sydney is Australia’s gateway for 30 million visitors a year who are drawn to internationally renowned attractions such as the Sydney Opera House and the Sydney Harbour Bridge, arts and cultural events.”* Although not within the Harbour CBD, Taronga Zoo is located nearby within Mosman’s southern foreshores adjacent to Sydney Harbour, and is a significant tourist destination.

The proposed change to the capital investment value (CIV) for exempt development at Taronga Zoo is consistent with objective 18. The proposed change will enable works of minimal environmental impact to occur at the Zoo without the need for development consent, supporting investment and Greater Sydney’s visitor economy.

- Direction: A city in its landscape
- Objective 25: The coast and waterways are protected and healthier
- Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced
- Objective 28: Scenic and cultural landscapes are protected
- Objective 30: Urban tree canopy cover is increased

The Greater Sydney Region Plan (pages 148, 156, 158 and 164) note the importance of the health of coastal waterways, the biodiversity of the Sydney Basin region, protecting scenic landscapes and increasing urban tree canopy cover. Mosman is largely surrounded by Sydney and Middle Harbours with undisturbed bushland, dense canopy coverage in established neighbourhoods and large areas of foreshore land recognised as a Scenic Protection Area due to its important natural and visual environment.

The proposed inclusion of the earthworks local provision in MLEP 2012 is consistent with objectives 25, 27, 28 and 30. The clause will require the consent authority to consider matters including the following before granting development consent for earthworks – the likely disruption of, or any detrimental effect on, drainage patterns and soil stability, natural features of and any trees and vegetation on, the site and adjoining lands, and in the locality; the proximity to and potential for adverse impacts on any watercourse, drinking water catchment or environmentally sensitive area; and any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development. An objective of the clause is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes of the surrounding land.

- Direction: A resilient city
- Objective 37: Exposure to natural and urban hazards is reduced

The Greater Sydney Region Plan (page 177) notes that “*Greater Sydney is subject to a range of natural and urban hazards which can be exacerbated by climate change. Vulnerability and exposure to these hazards are shaped by environmental, social and economic factors.*” Further, on page 178 that “*Effective land use planning and design can reduce the exposure to natural and urban hazards and build resilience to shocks and stresses.*”

The proposed inclusion of the earthworks local provision in MLEP 2012 is consistent with objective 37. The clause will require the consent authority to consider matters including the following before granting development consent for earthworks – the quality of the fill or the soil to be excavated, or both; and the source of any fill material and the destination of any excavated material.

#### North District Plan

The planning proposal will also give effect to the following planning priorities of the North District Plan:

- N5: Providing housing supply, choice and affordability with access to jobs, services and public transport
- N6: Creating and renewing great places and local centres, and respecting the District’s heritage
- N16: Protecting and enhancing bushland and biodiversity
- N22: Adapting to the impacts of urban and natural hazards and climate change

The proposed changes to Zone B1 and B2 objectives will identify the importance of the traditional shopfront proportions, local character and village atmosphere of Mosman’s neighbourhood centres and Mosman Junction, to maintain these centres as great places. The inclusion of objectives for wall height and defining mansard roofs in clause 4.3A will provide transparency in planning controls for dwellings supporting housing choice and supply, whilst the inclusion of an earthworks local provision reinforces the importance of landscape, resilience and mitigating the impacts of urban hazard in development. The housekeeping amendments outlined are not inconsistent with the North District Plan.

**Q4. Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?**

Yes. The planning proposal will give effect to the Mosman Local Strategic Planning Statement, March 2020. Refer to comments made in Section A-1, above.

Council's Community Strategic Plan, MOSPLAN 2018-28, is the suite of documents that plan for Mosman's future. MOSPLAN responds to the aspirations of the Mosman community and its elected Council, and ensures that services can be provided to the Mosman community effectively, efficiently and sustainably. MOSPLAN 2018-2028 was adopted by Council in June 2018.

The planning proposal will give effect to the following Strategic Directions of MOSPLAN:

- 3: An attractive and sustainable environment
- 6: Well designed, liveable and accessible places
- 7: A healthy and active village lifestyle

Protecting and enhancing Mosman's village character is listed as strategy 1 within Strategic Direction 7, and the proposed changes to Zone B1 and B2 objectives will give effect to achieving this. The inclusion of changes to clause 4.3A relating to wall height and an earthworks local provision are consistent with Strategic Directions 6 and 3, respectively. The housekeeping amendments outlined are not inconsistent with MOSPLAN.

**Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

Yes. State environmental planning policies (SEPPs) are policies issued by the NSW Government to regulate planning matters of State or regional significance. SEPPs applicable in Mosman of relevance to this planning proposal are discussed below. Refer to Appendix A for a complete list.

SEPP 19 – Bushland in Urban Areas

Clause 10 identifies matters that must be considered by a council when preparing a draft local environmental plan. These matters include having regard to the general and specific aims of the policy, and giving priority to retaining bushland. The general aim of the policy, set out in clause 2(1), is to protect and preserve bushland within urban areas identified (this includes Mosman) because of its value to the community as part of the natural heritage, its aesthetic value, and its value as a recreational, education and scientific resource. The specific aims of the policy set out in clause 2(2) relate to bushland conservation.

The planning proposal is consistent with the aims of SEPP 19. An objective of the earthworks local provision proposed to be included in MLEP 2012 is to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental functions and processes. The likely disruption of drainage patterns and soil stability, which would have an impact on urban bushland, are matters for consideration. Other changes proposed have limited relevance to this SEPP.

**Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

Yes. Ministerial Directions are issued by the Minister for Planning under section 9.1 of the *Environmental Planning and Assessment Act 1979* and set out matters for consideration in local plan making. Ministerial Directions of relevance to this planning proposal are discussed below. Refer to Appendix B for a complete list.

Direction 1.1 Business and Industrial Zones

The objectives of this direction are to encourage employment growth in suitable locations, protect employment land in business and industrial zones, and support the viability of identified centres. This



direction applies to a planning proposal that will affect land within an existing or proposed business or industrial zone.

The planning proposal is consistent with this direction in that the proposed amendments to the Zone B1 and B2 objectives in MLEP 2012, and the housekeeping amendment to rezone a small parcel of land in Cowles Road to B6, give effect to the objectives of the direction, retain the areas and locations of these existing business zones, and do not reduce the total potential floor space area for employment uses and related public services. There are no industrial zones in Mosman, nor new employment areas. Other changes proposed have limited relevance to this direction.

#### D2.6 Remediation of Contaminated Land

The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities. The direction provides that a planning proposal must not include land in a particular zone, if the inclusion of the land in that zone would permit a change of use of the land.

The proposed changes in zone outlined in the planning proposal are minor in nature. The Sydney Water asset in Upper Spit Road is currently used as water and sewerage infrastructure, and the change in zone of the site to SP2 reflects this. The change in zone of Harnett Road to RE1 will continue to identify roads as a permissible use, and that for 133 Awaba Street and land in Cowles Road will continue to allow residential use of the land.

The change in zone of land at the rear of 37-45 Mandolong Road will allow residential use of the land. The land was formerly used for the purposes of a school. A preliminary site investigation for the land has not been completed and is not required, given the site does not have a history of any uses referred to in Table 1 of the Contaminated Land Planning Guidelines being carried out.

#### D3.1 Residential Zones

The objectives of this direction are to encourage a variety and choice of housing types to provide for existing and future housing needs, make efficient use of existing infrastructure and services, and minimise the impact of residential development on the environment and resource lands. The direction provides that a planning proposal must include provisions that encourage the provision of housing that will broaden the choice of building types and locations; make more efficient use of existing infrastructure and services; and be of good design. A planning proposal must not contain provisions which will reduce the permissible residential density of land.

This planning proposal is consistent with this direction. The inclusion of an earthworks local provision will minimise the impact of residential development on the environment and resource lands. The inclusion of local objectives for the wall height development standard and defining mansard roofs in clause 4.3A will encourage the provision of housing that will be of good design by making clear the intent of the standard.

The proposed housekeeping mapping changes affecting residential zoned land are minor and would not have a significant impact on the residential density of land in Mosman.



## Section C – Environmental, social and economic impact

### **Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

No. There would be no likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, would be adversely affected as a result of the planning proposal.

The inclusion of a local provision for earthworks will have a positive impact on Mosman's environment in that it will require the consideration of the impact of excavation so as to mitigate any adverse impacts relating to soil erosion, sedimentation, the natural features of the land, trees and vegetation, impacts on adjoining properties and the like. The clause would apply to all development that is the subject of a development application. All other changes would have limited effect.

### **Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

The inclusion of a local provision for earthworks will have a positive effect on the environment as explained above. The changes proposed for local centres and wall height, along with the housekeeping amendments would have limited environmental effect.

Increasing the capital investment value threshold for exempt development at Taronga Zoo will allow more works to be undertaken without the need for a development application, however the clause lists criteria for consideration including that works must not have a significant adverse impact on the heritage significance of the site, or on the amenity of the surrounding area or nearby properties, and must be carried out in accordance with the conservation policy outlined in the *Taronga Zoo Conservation Strategy*.

### **Q9. Has the planning proposal adequately addressed any social and economic effects?**

The social and economic effects of the planning proposal are limited because the proposed amendments are relatively minor, or administrative in nature. The planning proposal would have a positive social and economic effect in that it improves the clarity and accuracy of MLEP 2012. The changes will provide transparency in zone objectives applying to centres and planning controls for building design, and corrects anomalies identified in mapping. The proposed changes relating to Taronga Zoo will reduce instances where a development application would be required to be submitted for proposed works that are minor in nature, providing a positive economic effect.

## Section D – State and Commonwealth interests

### **Q10. Is there adequate public infrastructure for the planning proposal?**

The planning proposal will not place additional demands on public infrastructure. The proposed change to correct an anomaly in mapping relating to a Sydney Water asset in Upper Spit Road will recognise the use of the land for vital water and sewerage infrastructure for the Northern Beaches Ocean Outfall. Rezoning this land to SP2 Infrastructure – Public Utility Undertaking will provide certainty for the community regarding the current and future use of the land.

**Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?**

Council has not consulted with any State or Commonwealth public authorities regarding the planning proposal, except for the Sydney Water Corporation who made submissions to Council during public exhibition of the MLSPS in 2019.

## Part 4 – Mapping

A number of maps will need to be amended as a result of the planning proposal. These are listed in the table below. Draft LEP maps will be prepared prior to public exhibition of the planning proposal. The maps will be prepared consistent with NSW DPIE mapping guidelines.

Mosman LEP 2012 Maps to be Amended	
Map types	Map sheets (identification numbers)
<b>Land Zoning Map</b>	
LZN 001	<a href="#">5350 COM LZN 001 010 20160212</a>
LZN 002	<a href="#">5350 COM LZN 002 010 20160212</a>
<b>Height of Buildings Map</b>	
HOB 001	<a href="#">5350 COM HOB 001 010 20111124</a>
HOB 002	<a href="#">5350 COM HOB 002 010 20140331</a>
<b>Lot Size Map</b>	
LSZ 001	<a href="#">5350 COM LSZ 001 010 20111124</a>
LSZ 002	<a href="#">5350 COM LSZ 002 010 20140331</a>
<b>Floor Space Ratio Map</b>	
FSR 001	<a href="#">5350 COM FSR 001 010 20111124</a>
FSR 002	<a href="#">5350 COM FSR 002 010 20140331</a>

## Part 5 – Community Consultation

Community consultation will be undertaken in respect of this planning proposal in accordance with the Act and Gateway determination issued by the NSW DPIE.

Consultation will be informed by the Department's *A guide to preparing local environmental plans*, and Council's Mosman Community Participation Plan, June 2020, as outlined below.

The planning proposal will be publicly exhibited for a minimum period of 14-28 days with notification given:

- In Council's regular MosmanNow e-newsletter (as relevant);
- In the local newspaper, the Mosman Daily;
- On Council's engagement website [www.yourvoicemosman.com.au](http://www.yourvoicemosman.com.au);
- On Council's social media, for example, Facebook and Twitter;
- On Council's Urban Planning website [www.mosmanplanning.net](http://www.mosmanplanning.net), for example, blog posts;
- In Council's bi-monthly Urban Planning e-newsletter;
- In posters on noticeboards and the like within the Civic Precinct; and
- By letter to affected and adjoining landowners (as relevant).

During the exhibition period, material will be made available for inspection online and at Council's offices in the Civic Precinct, 573 Military Road, Spit Junction. All exhibition material will be in plain language. Other engagement and response tools may be used, as appropriate, such as surveys, community meetings, drop-in sessions, and attending events such as market stalls.

Submissions will be invited, in writing, via letter, email or other method such as an online survey. All submissions received will be acknowledged in writing, and Council will consider feedback received during an evaluation of the planning proposal. This will be outlined in a report to Council post-exhibition.

## Part 6 – Project Timeline

The following timeline for the planning proposal is an estimation only.

Task	Timeframe / target date
Report to Council for endorsement of planning proposal and decision to send to NSW DPIE for Gateway determination	June 2021
Gateway determination is issued to Council by NSW DPIE	Received 14 September 2021
Engagement strategy is finalised and consultation material prepared	October 2021
Public exhibition period (14-28 days)	November-December 2021
Consideration of submissions received and any amendments to planning proposal as necessary	January 2022
Report to Council for endorsement of planning proposal with any amendments as necessary	March 2022
Liaise with Parliamentary Counsel in drafting of amending LEP written instrument, and with NSW DPIE in preparing LEP maps	April 2022
Council delegate to make LEP amendment (assuming delegation), or submission of draft LEP amendment to NSW DPIE with a request to be made (if no delegation)	May 2022
NSW DPIE notifies LEP amendment in NSW Government Gazette	May 2022

## Appendix A – State Environmental Planning Policies

Only those State Environmental Planning Policies (SEPPs) and deemed SEPPs (i.e. Regional Environmental Plans) applicable to Mosman are listed in the table below.

State Environmental Planning Policies (SEPPs)	(tick only one)			Comment
	Not relevant	Consistent	Justifiably inconsistent	
SEPP 19 – Bushland in Urban Areas		✓		See Section 3.0, Part 3, B, Q5 of this planning proposal
SEPP 21 – Caravan Parks	✓			
SEPP 33 – Hazardous and Offensive Development	✓			
SEPP 50 – Canal Estate Development	✓			
SEPP 55 – Remediation of Land	✓			
SEPP 64 – Advertising and Signage	✓			
SEPP 65 – Design Quality of Residential Apartment Development	✓			
SEPP 70 – Affordable Housing (Revised Schemes)	✓			
SEPP (Affordable Rental Housing) 2009	✓			
SEPP (Building Sustainability Index: BASIX) 2004	✓			
SEPP (Coastal Management) 2018	✓			
SEPP (Concurrences and Consents) 2018	✓			
SEPP (Educational Establishments and Child Care Facilities) 2017	✓			
SEPP (Exempt and Complying Development Codes) 2008	✓			
SEPP (Housing for Seniors or People with a Disability) 2004	✓			
SEPP (Infrastructure) 2007	✓			
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	✓			
SEPP (Primary Production and Rural Development) 2019	✓			
SEPP (State and Regional Development) 2011	✓			
SEPP (State Significant Precincts) 2005	✓			
SEPP (Vegetation in Non-Rural Areas) 2017	✓			
Deemed SEPP - Sydney REP (Sydney Harbour Catchment) 2005	✓			

## Appendix B – Ministerial Directions

Only those Ministerial Directions applicable to Mosman are listed in the table below.

Applicable Ministerial Directions under s.9.1 of the EP&A Act	(tick only one)			Comment
	Not relevant	Consistent	Justifiably inconsistent	
<b>D1. Employment and Resources</b>				
D1.1 Business and Industrial Zones		✓		See Section 3.0, Part 3, B, Q6 of this planning proposal
D1.2 Rural Zones	✓			
D1.3 Mining, Petroleum Production and Extractive	✓			
<b>D2. Environment and heritage</b>				
D2.1 Environmental Protection Zones	✓			
D2.2 Coastal Protection	✓			
D2.3 Heritage Conservation	✓			
D2.4 Recreation Vehicle Areas	✓			
D2.6 Remediation of Contaminated Land		✓		See Section 3.0, Part 3, B, Q6 of this planning proposal
<b>D3. Housing, Infrastructure and Urban Development</b>				
D3.1 Residential Zones		✓		See Section 3.0, Part 3, B, Q6 of this planning proposal
D3.2 Caravan Parks and Manufactured Home Estates	✓			
D3.3 Home Occupations	✓			
D3.4 Integrating Land Use and Transport	✓			
D3.5 Development Near Regulated Airports and Defence Airfields	✓			
D3.6 Shooting Ranges	✓			
<b>D4. Hazard and Risk</b>				
D4.1 Acid Sulfate Soils	✓			
D4.2 Mine Subsidence and Unstable Land	✓			
D4.3 Flood Prone Land	✓			
D4.4 Planning for Bushfire Protection	✓			
<b>D5. Regional Planning</b>				
D5.10 Implementation of Regional Plans	✓			
D5.11 Development of Aboriginal Council land	✓			
<b>D6. Local Plan Making</b>				
D6.1 Approval and Referral Requirements	✓			
D6.2 Reserving Land for Public Purposes	✓			
D6.3 Site Specific Provisions	✓			

## Appendix C – Maps

Draft LEP maps will be prepared prior to public exhibition of the planning proposal. Refer to Section 3.0, Part 4 of this planning proposal for details.